



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty **Lind, Ruth P (for Petitioner/Guardian Stephanie Lassley)**

(1) Second Account and Report of Guardian, (2) Petition for Authorization to Transfer and Invest Funds and (3) for Allowance of Fees to Attorney for Guardian [Prob. C. 2456, 2570, 2574, 2620 & 2640]

Age: 13 years		STEPHANIE LASSLEY , mother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/1/11 – 3/8/13	
		Accounting - \$738,087.32	1. Need Judicial Council form Blocking Order. California Rules of Court, Rule 7.101(a).
		Beginning POH - \$691,022.37	
		Ending POH - \$711,653.32	Note: If the petition is granted, status hearings will be set as follows:
		(\$54,653.32 is cash)	
Cont. from		Attorney - \$645.00 (per itemization and declaration for 6.45 hours @ \$200/hr. for a total of \$1,290 with from this guardianship estate and the other ½ being paid by the guardianship of Graceon Lassley page 2 of this calendar).	<ul style="list-style-type: none"> Friday, July 12, 2013, 2013 at 9:00 a.m. in Department 303, for the filing receipt for blocked account. Friday, May 15, 2015 at 9:00 a.m. in Department 303, for the filing of the third account or petition
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620(c)		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Petitioner requests the authority to withdraw the balance of the Bank of America account and deposit it into a blocked account at Morgan Stanley for reinvestment into mutual funds authorized by Probate Code §2574. Morgan Stanley be authorized to disburse the sum of \$650.00 per month to Stephanie Lassley pursuant to Court order dated 3/19/2013.

Petitioner prays for an Order:

1. Approving, allowing and settling the second account;
2. Authorizing payments of attorney fees and costs;
3. Authorizing the guardian to transfer the remaining cash at Bank of America and place it into a blocked investment account at Morgan Stanley;
4. Authorizing Morgan Stanley to disburse \$650.00 per month from the blocked account to Stephanie Lassley.

NEEDS/PROBLEMS/COMMENTS:

1. Need Judicial Council form Blocking Order. California Rules of Court, Rule 7.101(a).

Note: If the petition is granted, status hearings will be set as follows:

- Friday, July 12, 2013, 2013** at 9:00 a.m. in Department 303, for the filing receipt for blocked account.
- Friday, May 15, 2015** at 9:00 a.m. in Department 303, for the filing of the third account or petition

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Reviewed by: KT**Reviewed on: 6/10/2013****Updates:****Recommendation:****File 1 – Lassley**

(1) Second Account and Report of Guardian, (2) Petition for Authorization to Transfer and Invest Funds and (3) for Allowance of Fees to Attorney for Guardian [Prob. C. 2456, 2570, 2574, 2620 & 2640]

Age: 14 years		STEPHANIE LASSLEY , mother/guardian, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/1/11 – 3/8/13	
		Accounting - \$738,087.15	2. Need Judicial Council form Blocking Order. California Rules of Court, Rule 7.101(a). Note: If the petition is granted, status hearings will be set as follows: <ul style="list-style-type: none"> Friday, July 12, 2013, 2013 at 9:00 a.m. in Department 303, for the filing receipt for blocked account. Friday, May 15, 2015 at 9:00 a.m. in Department 303, for the filing of the third account or petition Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
		Beginning POH - \$691,022.21	
		Ending POH - \$711,628.15	
Cont. from		(\$54,628.15 is	
<input type="checkbox"/>	Aff.Sub.Wit.	cash)	
<input checked="" type="checkbox"/>	Verified	Attorney - \$645.00 (per	
<input type="checkbox"/>	Inventory	itemization and declaration for 6.45 hours @	
<input type="checkbox"/>	PTC	\$200/hr. for a total of \$1,290 with from this	
<input type="checkbox"/>	Not.Cred.	guardianship estate and the other ½ being	
<input checked="" type="checkbox"/>	Notice of Hrg	paid by the guardianship of Graceon Lassley	
<input checked="" type="checkbox"/>	Aff.Mail	page 2 of this calendar).	
<input type="checkbox"/>	Aff.Pub.	Attorney costs - \$101.00 (certified	
<input type="checkbox"/>	Sp.Ntc.	copies)	
<input type="checkbox"/>	Pers.Serv.	Guardian costs - \$435.00 (filing fee)	
<input type="checkbox"/>	Conf. Screen	Scharton, Jones & German - \$760.00 (for	
<input type="checkbox"/>	Letters	preparation of taxes)	
<input type="checkbox"/>	Duties/Supp	Petitioner requests the authority to withdraw	
<input type="checkbox"/>	Objections	the balance of the Bank of America	
<input type="checkbox"/>	Video Receipt	account and deposit it into a blocked	
<input type="checkbox"/>	CI Report	account at Morgan Stanley for reinvestment	
<input checked="" type="checkbox"/>	2620(c)	into mutual funds authorized by Probate	
<input checked="" type="checkbox"/>	Order	Code §2574. Morgan Stanley be authorized	
<input type="checkbox"/>	Aff. Posting	to disburse the sum of \$650.00 per month to	
<input type="checkbox"/>	Status Rpt	Stephanie Lassley pursuant to Court order	
<input type="checkbox"/>	UCCJEA	dated 3/19/2013.	
<input type="checkbox"/>	Citation	Petitioner prays for an Order:	
<input type="checkbox"/>	FTB Notice	5. Approving, allowing and settling the	
		second account;	
		6. Authorizing payments of attorney fees	
		and costs;	
		7. Authorizing the guardian to transfer the	
		remaining cash at Bank of America and	
		place it into a blocked investment	
		account at Morgan Stanley;	
		8. Authorizing Morgan Stanley to disburse	
		\$650.00 per month form the blocked	
		account to Stephanie Lassley.	
			Reviewed by: KT
			Reviewed on: 6/10/2013
			Updates:
			Recommendation:
			File 2 – Lassley

Petition to Compel Turnover of the Betty Ruth Cozby Trust Pursuant to Probate Code Section 16061.5 and for Damages and Attorney's Fees Pursuant to Probate Code Section 16061.9

		JANICE POTTER is Petitioner.	NEEDS/PROBLEMS/COMMENTS: Continued from 5/16/13. As of 6/10/13 the following issue remains: 1. Need Order.
		Petitioner states she is an heir at law, and believes she is a beneficiary of the Betty Ruth Cozby Trust.	
		Betty Ruth Cozby died in April 2011.	
Cont. from 022912, 040412, 060412, 081312, 100412, 111512, 010413, 021513, 022213, 032913, 051613		Betty Cozby was unmarried and did not have children, and her parents and siblings predeceased her. Petitioner is a niece of Betty Cozby and heir at law under applicable Probate Code intestacy statutes.	
	Aff.Sub.Wit.	Petitioner believes Betty Cozby's friend, Edward D. Reimer, is the named successor Trustee of the Betty Ruth Cozby Trust.	
✓	Verified		
	Inventory		
	PTC	Upon the death of Ruth Cozby the Trust became irrevocable. Petitioner states she requested orally, and then more formally, through counsel, a copy of the Trust. The formal request was made on 8/17/2011. No response has been received to the request.	
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W/	
	Aff.Pub.	Probate Code §16061.5 provides that a trustee has a duty to provide a true and complete copy of the terms of an irrevocable trust, or irrevocable portion of a trust, to any beneficiary who requests it, and to any heir of a deceased settlor who requests it.	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp	Wherefore, Petitioner seeks relief as follows:	
	Objections	1. For an Order compelling Edward D. Reimer to provide full and complete copies of the Betty Ruth Cozby trust, including any applicable schedules and amendments, if any;	
	Video Receipt	2. For an Order compelling turnover of relevant information on the administration of assets of the Trust pursuant to Probate Code section 16061;	
	CI Report	3. That Edward D. Reimer be ordered to personally pay Petitioner's attorney's fees and costs in filing and prosecuting this petition.	
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	Statement of Assets Held in The Betty Cozby Living Trust filed by Edward D. Reimer and Ola May Langley on 6/4/12.	
			Reviewed by: KT Reviewed on: 6/10/13 Updates: Recommendation: File 3A - Cozby

3B**Atty****Atty****Betty Ruth Cozby Revocable (Trust)****Campbell, Robert N (for Objector Janice Potter)****Gilmore, David M. (for Petitioner/Trustee Edward D. Reimer and Ola Mae Langley)****Petition for Settlement of Account and Approval of Trustee Fees [Prob. C. 17200(b)(5)]****Case No. 12CEPR00087**

		EDWARD D. REIMER and OLA MAE LANGLEY , Trustees, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 4/30/11 – 2/28/13	Continued from 5/16/2013. As of 6/10/13 the following issues remain: 1. Petition was not signed or verified by Petitioner Ola Mae Langley. Probate Code §1020 states the petition must be signed by all petitioners. 2. It appears that the trustee (Edward Reimer) has paid himself an amount monthly (approximately \$3,000 per month) regardless of the time spent on trustee tasks. The Trustee declaration should clearly state the amount of time spent on each task and the hourly rate for the services performed. 3. Disbursement schedule includes cell phone payments at approximately \$43 per month. Court may require clarification. 4. Disbursement schedule includes payments to State Farm totaling \$436.14. Court may require more information regarding this disbursement. 5. Order submitted includes a closing reserve of \$25,000.00 that was not included in the accounting presented to the court or noticed on all parties. 6. Order submitted includes distribution of the assets to the various beneficiaries however the distribution was not included in the accounting presented to the court and noticed on all parties.
Cont. from 051613		(22 months)	
	Aff.Sub.Wit.		
✓	Verified	Accounting - \$945,634.96	
	Inventory	Beginning POH- \$938,966.68	
	PTC	Ending POH - \$849,957.59	
	Not.Cred.	Trustee - \$66,182.50	
✓	Notice of Hrg	(already paid, requesting the court approve said fees)	
✓	Aff.Mail	Attorney - \$3,908.85	
	Aff.Pub.	(already paid)	
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order	Petitioner prays for an Order: 1. Finding that all facts stated in the Petition are true and that all notices required by law have been given. 2. This account and report be settled, allowed and approved, and all acts and transactions of Reimer set forth in it, or relating to the matters set forth in it, be ratified, confirmed and approved; 3. Compensation in the amount of \$66,182.50 already paid to Reimer be allowed and approved; 4. The Trust be distributed pursuant to the terms of the Trust Agreement Please see additional page	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: KT Reviewed on: 6/10/13 Updates: Recommendation: File 3B – Cozby

Objections to Trustee's Fees and Request for Attorney Fees and Costs filed by Janice Potter on 5/10/2013.

Janice Potter states there are two issues that need to be resolved the first is the matter of Trustee's fees already taken by Trustee, Edward Reimer, which in her opinion are excessive, especially in light of the Trustee's performance in this matter and, second, the costs and attorney's fees Janice Potter has incurred in petition to get a copy of the Trust from Mr. Reimer, to get a statement of the Trust assets from him and, after that, to force him to account and get the Trust to the point of a distribution, something that took nine court appearances, and the threat of removal of Mr. Reimer on several occasions, to accomplish.

The Issue of Trustee's Fees

Mr. Reimer's seeks approval of \$66,182.50 in Trustee's fees he has already taken. The accounting reveals Mr. Reimer immediately started paying himself "round numbers", for example paying himself \$1,500.00 May 2, 2011 and \$500.00 May 23, 2011 and he continued this pattern right on through February of 2013 taking the total noted above.

Article XII of the Trust does provide that the Trustee is entitled to pay himself "reasonable compensation" from time to time without court approval, but the amounts taken by Mr. Reimer are clearly excessive.

Beginning assets for this Trust were, according to the accounting, \$938,966.68. That would mean the Trustee's fees charged by Mr. Reimer totaled about 7% of the total Trust assets, clearly an excessive amount, even if he had done a diligent job, which he clearly did not.

Using the time submitted by Mr. Reimer, he spent 93.6 hours to date on the Trust. At a generous rate of \$75.00 per hour, this would calculate out to \$7,042.50 in total Trustee's fees.

In summary on this point \$7,042.50, at most should be allowed in trustee's fees and the balance of the funds taken by Mr. Reimer (\$59,140.00) should be remitted by him to the trust. If the Court uses a percentage as a gauge for fees, as opposed to time, at 1% per annum the amount allowed for Trustee's fees should not exceed \$18,909.28.

The Issue of a Surcharge Against Trustee for Ms. Potter's Attorney Fees and Costs

As the Court will recall, Mr. Reimer, before he retained counsel, refused to provide Janice Potter a copy of the Trust, despite her being named as a Trust beneficiary. It to a Petition to get Mr. Reimer to retain counsel, who then secured a copy of the Trust for Ms. Potter. Mr. Reimer should be personally surcharged the attorney's fees and costs incurred by Ms. Potter to compel him to do what he was obligated to do, as a matter of law, from the start of his trusteeship.

The attorney fees and costs total \$7,238.96, which includes the filing fee and telephonic appearance fees.

Probate Code 16061.9 doe provide that the Trustee is responsible for damages, as well as liable for attorney's fees and costs, cause by the Trustee's failure to make reasonable diligent effort to comply with Section 16061.7. Here, the Trustee clearly did nothing, even a letter demanding the information from counsel, forcing Ms. Potter to petition the Court for relief.

The Court will no doubt recall he saga of getting Mr. Reimer to provide an accounting as well.

Please see additional page

Accordingly, under the above Code provisions and the facts of this case, Mr. Reimer should be surcharged the fees and costs incurred to compel him to do his job as Trustee, and to get us to the point of distribution.

Wherefore, Janice Potter requests:

1. That the Trustee be ordered to return excessive compensation taken by him to the Trust, in the sum of \$59,140.00;
2. That the Trustee be surcharged the attorney's fees and costs incurred by Ms. Potter in the amount of \$7,238.96, and that the same be paid to Ms. Potter
3. That the account otherwise be approved and the trustee ordered to make distribution.

(1) First and Final Account and Report of Administration, Petition for Settlement, (2) for Mileage Reimbursement, (3) for Statutory Commissions and Fees to Executor and Attorney and (4) for Final Distribution [Prob. C. 10900; 10951; 11600; 10800; 10810; 11004; 11603; 11640]

4

5 Wayne Allen Robbins 2007 Revocable Living Trust Case No. 13CEPR00261

Atty Esraelian, Robyn L., of Richardson, Jones & Esraelian (for Petitioner David Montgomery, Trustee)

Petition for Order Confirming that Property is a Trust Asset

DOD: 7/3/2012		DAVID MONTGOMERY, Trustee, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
Cont. from 051613					
	Aff.Sub.Wit.				
✓	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W/O			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

<p>Petitioner states:</p> <ul style="list-style-type: none"> Petitioner is the presently acting Successor Trustee of the WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST established 4/17/2007 (copy attached as Exhibit A); Trutor Wayne Robbins acted as Trustee until the appointment of MYRNA M. BOWMAN as Conservator of his Person and Estate on 10/7/2011; In Article One of the Trust instrument, the Trutor declared that: "Wayne Allen Robbins ("Trutor") declares that he has set aside and holds in trust the property described in Schedule A, attached to this instrument" <i>[emphasis in Petition]; (copy of Trust Schedule A attached as Exhibit B);</i> Petitioner asserts that it was the intention of Wayne Allen Robbins, as Trutor and Trustee, that the property listed on Schedule A be assets of the Trust, and that the property be transferred to the Trust; On 11/6/2007, Trutor transferred the real property listed on Schedule A to the Trust (copy of Deed attached as Exhibit C); Thereafter, Trutor and Myrna M. Bowman entered into a reverse mortgage secured by the property; for purposes of obtaining the reverse mortgage, the lender required that the real property be deeded out of the Trust; the lender then failed to return the property by deed to the Trust; At the time the Trutor executed the Trust, he signed an Assignment <i>[effective 4/17/2007]</i> that transferred all of his personal property, including vehicles, to the Trust (copy of Assignment attached as Exhibit D); at the time Trutor executed the Trust, he re-titled his account with Wells Fargo, Vanguard and Franklin Funds to the name of the Trust; <p align="center">~Please see additional page~</p>	<p>Continued from 5/16/2013. Minute Order [Judge Black] states Counsel requests a continuance. Matter continued to 6/13/2013. Counsel is directed to submit a declaration and provide the appropriate service.</p> <p>Note re Assets: Both the <i>Corrected Inventory and Appraisal</i> filed in the Decedent's Conservatorship (11CEPR00750) on 11/9/2012, and the <i>Final Inventory and Appraisal</i> filed in the Conservatorship on 2/14/2013, include the Vanguard Funds as assets of the Conservatorship. Additionally, <i>Schedule A</i> of the WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST lists the Vanguard Fund Accounts under the heading "Investments," and states under the heading "Miscellaneous" that any and all stock brokerage, and other financial securities accounts of any kind, and any and all stocks, bonds and other securities of any kind, constitutes the Trust estate.</p> <p>Reviewed by: LEG</p> <p>Reviewed on: 6/10/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 5 – Robbins</p>
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Petitioner states continued:

- Myrna M. Bowman, upon her appointment as Conservator, took title to the assets listed on Schedule A, other than the real property, and such assets are set forth on the *Inventory and Appraisal* filed in Case 11CEPR00750, Conservatorship of the Person and Estate of Wayne Allen Robbins, Jr. (copy of *Inventory and Appraisal* [titled "Reappraisal" and filed with the court on 2/24/2013] attached as Exhibit E);
- It was Trustor's intention and understanding that all of the property set forth on Exhibit E [the *Inventory and Appraisal*] was to be held in trust under the Trust; therefore, Petitioner believes that all of the property on Exhibit E [the *Inventory and Appraisal*] is subject to his control as Trustee;
- Petitioner requests the Court confirm that all of the property described on Exhibit E [the *Inventory and Appraisal*] are assets held in the Trust, and are under the control of the Petitioner as Trustee of the Trust;
- The Trustor's Last Will and Testament (copy attached as Exhibit F) provides that Trustor's entire estate shall go to the Trustee of the Trust, and further that his entire estate shall be added to, administered and distributed as part of that Trust, according to the terms of the Trust.

Petitioner prays for an Order that the property described on Exhibit E [the *Inventory and Appraisal*] is held in the Trust and is subject to the management and control of **DAVID MONTGOMERY as Trustee of the **WAYNE ALLEN ROBBINS 2007 REVOCABLE LIVING TRUST established 4/17/2007**.**

Declaration of Gary L. Winter in Support of Petition to Confirm Trust Assets filed 5/10/2013 states:

- He is counsel for **MYRNA M. BOWMAN**, as Conservator of his Person and Estate of Wayne Allen Robbins, Jr., Conservatee, Case # 11CEPR00750;
- On 7/3/2012, Conservatee was deceased;
- On 2/14/2013, he filed a *First Account and Second and Final Account and Report of Conservator of the Person and Estate [etc.]* as counsel for Conservator; on 3/21/2013, this Court approved the petition to close the Conservatorship, and on 4/3/2013 executed an Order which required the estate of the Conservatee to pay **\$6,839.94** to the Conservator; **\$514.29** to the Law Offices of Barrus & Roberts; **\$660.00** to Edward Fanucchi as counsel for Conservatee; **\$5,037.50** to Jeffrey S. James, CPA; and **\$11,376.14** to his office for legal services rendered to Conservator for the benefit of Conservatee's estate;
- The only remaining asset of the Conservatee's estate from which to pay fees are Vanguard Funds; the Vanguard accounts were listed on the *Inventory and Appraisal* as of the date of Conservator's appointment and as of the date of death of Conservatee;
- Post-appointment, the Vanguard Accounts were transferred to and titled in the name "Wayne A. Robbins Under Cons."
- Conservator has been in possession of a checkbook for Vanguard and she believed she could write checks to the parties entitled to fees out of the Vanguard Accounts; however, on 4/3/2013, Conservator contacted Vanguard by phone and was informed that the checkbook was for an old account, not the Vanguard Accounts, and was not usable;
- On 3/28/2013, David Montgomery (Petitioner) as Successor Trustee filed a Petition for Order Confirming that Property is a Trust Asset under Probate Code § 850 so that Conservator could deliver assets to the Trustee, and the Conservatee's estate could be settled through trust administration rather than through probate;

~Please see additional page~

Declaration of Gary L. Winter in Support of Petition filed 5/10/2013, continued:

- On 4/3/2013, he participated in a telephone call with Conservator and Vanguard informing them of the Court's order and requesting the sale of enough stock in the Vanguard Accounts to cover outstanding fees that Conservator had been ordered to pay; he was informed that Vanguard would be transferring the matter to a different group internally because the Conservatee was deceased; on 4/5/2013, he sent correspondence to Vanguard with a certified copy of the Court's order with the request for immediate sale of enough stock to pay fees; he has received no written response to this letter;
- On 4/29/2013, his assistant contacted a representative at Vanguard who informed his assistant that Vanguard had not and would not comply with the Court's Order because the Vanguard Accounts were beneficiary Individual Retirement Accounts and Conservator was not a named beneficiary; Vanguard would not reveal who the beneficiaries were;
- Accordingly, an issue has arisen as to the property destination for the Vanguard Accounts and who has the authority to liquidate stock to cover court-ordered fees;
- He submits this Declaration in Support of David Montgomery's *Petition* because he believes the Vanguard Accounts were an asset of the Conservatee, and should now be directed to Conservatee's Trust so that the Trustee can comply with the Court's Order in the Conservatorship and pay the outstanding fees and expenses of the Conservatorship;
- The Conservatee intended for the Vanguard Accounts to be subject to the Trustee's control because:
 - (1) The Vanguard Accounts are specifically described on Schedule A of the Trust, and such description includes the account numbers and ticker symbols of all Conservatee's Vanguard Funds;
 - (2) On 4/17/2007, Conservatee executed a pour-over Will directing the residue of his entire estate to the Trust; and
 - (3) Article Two of the Trust provides that "(a)ll property subject to this instrument from time to time, including the property listed on Schedule A, is referred to as the trust estate and shall be held, administered and distributed according to this instrument;
- Article Four (B) provides: "(a)fter the Trustor's death, the Trustee may pay out of the trust estate the Trustor's last illness and funeral expenses, debts, and the expenses of administration of the Trustor's probate estate."
- The fact that there may be named beneficiaries of the Vanguard Accounts should not prevent the Court from approving the instant Petition to Confirm Trust Assets;
- The beneficiary may actually be the Trustee; even if the beneficiary is not the Trustee, the Court has the authority to override a beneficiary designation and confirm the Vanguard Accounts are Trust assets [citation omitted]; here, we have more than just a general assignment to show Conservatee's intent to subject the Vanguard Accounts to Trustee's direction and control; we have a specific reference to the Vanguard in Schedule A, including the account numbers and ticker symbols;
- He believes the facts, the record, and the law support that the Vanguard Accounts were intended to be Trust assets and subject to the Trustee's control;
- It was not retitled to the name of the Trust upon the making of the Trust for reasons we do not know, but we can be certain that the Conservatee intended it to be subject to the direction and control of Trustee and the Trustee has power to pay and should pay, the expenses of Conservatee's estate in compliance with the Court's Order in that case;
- The Court should confirm the Vanguard Accounts and other assets of Conservatee's estate so that Conservatee's wishes may be carried out and the final expenses of Conservatee's estate be promptly paid.

Age: 20		NO TEMP REQUESTED		NEEDS/PROBLEMS/COMMENTS:	
		KARIN TIMMERMAN , Mother, is Petitioner and requests appointment as Conservator of the Person and Estate without bond with additional orders/powers as follows:		Court Investigator advised rights on 5-28-13.	
				<u>Voting rights affected</u> – need minute order.	
Aff.Sub.Wit.				1. The proposed Conservatee is developmentally disabled. Therefore, need proof of service of Notice of Hearing with a copy of the petition at least <u>30 days</u> prior to the hearing on CVRC pursuant to Probate Code §1822(e).	
✓	Verified	• Orders relating to the capacity of the proposed Conservatee under Probate Code §§ 1873 or 1901		2. Need Citation.	
	Inventory	• Orders related to the power and duties of the proposed conservator under Probate Code §§ 2351-2358		3. Need proof of personal service of Citation with a copy of the petition at least 15 days prior to the hearing pursuant to Probate Code §1824.	
	PTC	• Medical consent powers under Probate Code §2355		4. The Court may require clarification regarding the additional powers requested under Probate Code §§ 1873, 2351-2358, 2591.	
	Not.Cred.	• Powers under Probate Code §2591		<i>Note: It appears Petitioner is requesting powers specifically associated with dementia medication and placement. However, the dementia attachment is not provided, and dementia is not addressed by either doctor in the Capacity Declarations.</i>	
✓	Notice of Hrg	Petitioner requests appointment without bond because the proposed conservatee's sole source of support is public assistance. Petitioner also request the Court waive accountings.		Reviewed by: skc	
✓	Aff.Mail			Reviewed on: 6-10-12	
	Aff.Pub.			Updates:	
	Sp.Ntc.			Recommendation:	
	Pers.Serv.	X		File 6 – Adams	
✓	Conf. Screen				
✓	Letters				
✓	Duties/Supp				
	Objections				
✓	Video Receipt				
✓	CI Report				
	9202				
✓	Order	Voting rights affected Two Capacity Declarations have been filed. Petitioner states the proposed Conservatee has been diagnosed with autism, hydrocephalus, cerebral palsy, and is significantly developmentally disabled. He has severe memory impairment and severely disorganized thinking. He is unable to provide for his personal needs or manage financial resources or resist fraud or undue influence. He is unable to make his desires known or make any decisions. Court Investigator Jo Ann Morris filed a report on 5-29-13.			
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation	X			
	FTB Notice				

Age:			NEEDS/PROBLEMS/COMMENTS:
DOD:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6-10-13
			Updates:
			Recommendation:
			File 7 – Silberstein

Petition for Transfer

Age: 74		THE GOOD SHEPHERD FUND , a private professional fiduciary, is Conservator of the Person and Estate. Dan T. Jett, Executor Director, is the responsible corporate officer.	NEEDS/PROBLEMS/COMMENTS:
			Note: The Post-Move Notice of Change of Residence filed 8-17-12 by the Conservator was not served on any relatives or CVRC pursuant to Probate Code §§ 2352(e)(2) and 1822(e).
Cont. from			
Aff.Sub.Wit.		Limited Conservatorship of the Person and Estate was established in San Bernardino County in 1981 and transferred to Fresno Superior Court in 2002. The Good Shepherd Fund has been Conservator since 1987.	
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail		On 8-17-12, the Conservator filed a Post-Move Notice of Change of Residence of Conservatee, indicating that the Conservatee now resides in a care home in Ahwahnee, CA. (Madera County), and is not expected to return to Fresno.	
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp		On 5-6-13, Fresno Superior Court Investigator Julie Negrete filed this Petition for Transfer stating that Madera County is appropriate venue because the Conservatee has moved to Madera County. It is recommended that fees and costs related to this petition be waived.	
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			Reviewed by: skc
Status Rpt			Reviewed on: 6-10-13
UCCJEA			Updates:
Citation			Recommendation:
FTB Notice			File 8 – Havens

Petition for Transfer

Age: 63		THE GOOD SHEPHERD FUND was appointed conservator of the Person and Estate on 09/03/91.	NEEDS/PROBLEMS/COMMENTS:
		Court Investigator JULIE NEGRETE filed a Petition for Transfer on 05/06/13 requesting this proceeding be transferred to Tulare County because the conservatee has resided in that county for over 17 years, and it is presumed pursuant to Probate Code § 2215, that transfer of the conservatorship case to the county of residence is in the best interest of the conservatee.	<p>Note: If the Petition is granted, a Status hearing will be set as follows:</p> <ul style="list-style-type: none"> Friday, August 9, 2013 at 9:00am in Dept. 303 for confirmation of receipt of transfer. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.</p>
Cont. from			
	Aff.Sub.Wit.	Court Investigator further recommends that the fees and costs related to this transfer be waived.	
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: JF Reviewed on: 06/10/13 Updates: Recommendation: File 9 – Anderson